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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/574,172	10/25/2006	Rainer Uecker	2003P13562WOUS	4104

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SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830

EXAMINER

ART UNIT	PAPER NUMBER
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DATE MAILED: 01/12/2010

Please find below and/or attached an Office communication concerning this application or proceeding.

Notification of Non-Compliant Appeal Brief (37 CFR 41.37)	Application No. 10/574,172	Applicant(s) UECKER, RAINER	
	Examiner HUA FAN	Art Unit 2456	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 18 November 2009 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.

EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☒ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☒ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

See continuation sheet.

/Bunjoo Jaroenchonwanit/
Supervisory Patent Examiner, Art Unit 2456

4) No drawing references are included in the summary; in addition, references to specification are not specific and clear enough, for example, for claim 16, appellant cites three pages (page 6, line 21 - page 9, line 4), one whole page (page 6, line 21 through page 7, line 29), on page 2, without a specific and clear mapping and a concise explanation.

Listed above are example(s) of the stated defects. The appellant is required to review the whole section of the summary to correct all instances of the similar defects.

6) on page 7, "Grounds of Rejection to be Reviewed on Appeal" section, "Rejection of claim 23" is listed, but there is not separate section for this ground of rejection presented in the "Argument" section.

10) On page 7, "Grounds of Rejection to be Reviewed on Appeal" and page 17, "D. The Drawing Property show the features of the claims", the "Objection to Drawings" is listed as one of the rejections to be reviewed on appeal. It is to be noted that objections are not appealable, instead, they are petitionable. The appellant is required to cancel the non-petitionable matters from the appeal brief and resolve the objection issue by either amending the drawings to overcome the objection, or filing a petition. The objection issue is strongly recommended to be resolved before we send the case to the Board.